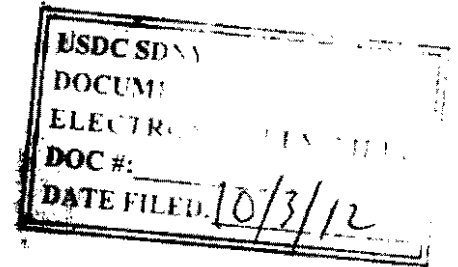


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MELISSA TUCKER, et al.,

Plaintiffs,

-against-

EAST SIDE DD LLC, et al.,

Defendants.

ORDER

11 Civ. 4907 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

The following are my rulings on the joint letter of counsel dated October 1, 2012, pursuant to Individual R. 2(E):

1. The disputed notice paragraph shall be worded as follows with regard to changes of mind by store managers and assistant store managers:
"Store managers and assistant store managers who previously signed statements that they did not want to participate in this action may nevertheless participate if they sign another statement or declaration renouncing their previous statement."
2. Kitchen employees, because they have different status and were not part of the complaint, may not be part of the FLSA class.
3. The notice insofar as it proposes an opt-out class under New York State law contradicts my order of September 20, 2012, and is to be stricken.

Counsel are to submit a joint proposed notice not inconsistent with this order.

SO ORDERED

Dated:

October 3, 2012

New York, New York

ALVIN K. HELLERSTEIN
United States District Judge